

Remarks

1. Referring to section 3 of the Office Action, the Examiner will note that claim 9 has been cancelled.
2. Referring to section 4 of the Office Action, claims 19 to 21, 24 and 25 have each been amended to refer to "The web-based telephony application.....". Claim 25 has also been amended to comprise a complete sentence.
3. Referring to section 5 of the Office Action, claim 9, as has already been indicated, has been cancelled and claim 24 has been amended to delete subject matter not described in the specification.
4. Referring to section 6 of the Office Action, the issues addressed in this section have been attended to through the cancellation of claim 9.
5. Referring to section 7 of the Office Action, claim 24 has been amended to delete subject matter not described in the specification.
6. Referring to section 8 of the Office Action, claims 19 and 23 have each been amended to ensure proper antecedent basis for all elements of such claims.
7. Referring to sections 10 and 11 of the Office Action, the Examiner has rejected the independent claims as currently pending under 35 U.S.C. §103 as being obvious over Newman (US2003/0037109) in view of AAPA (applicant's admitted prior art) and further in view of Farris et al (US6574216). Considering independent claim 1, it is the Examiner's position that Newman teaches all of the limitations of claim 1 save for the use of URIs (uniform resource identifiers) and instructing a

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switch to automatically set up a call, these latter two claim limitations being found respectively in AAPA and Farris.

8. Claim 1 (and the other independent claims of the application) has been amended to refer to a "specified future time" (emphasis added). This amendment comprises a clarifying amendment only to qualify that the present invention is directed to using a web-based application/server to establish telephony communications/calls at specified times in the future, i.e. to clarify that a "specified time" as originally recited in claim 1 as filed does not also include the moment in time when a user initiates a connection to a virtual conference system as disclosed in Newman. Consequently, this amendment does not comprise a substantive amendment responsive to the Examiner's rejection of claim 1 and thus no new issues arise therefrom. This amendment cannot therefore be used as a basis for refusing to enter this response. Basis for this clarifying amendment can be found throughout the specification as filed with particular reference to page 3, lines 14 to 16, page 3, line 32 to page 4, line 1 and page 4, lines 8 to 11 which leave no doubt that the specified time as disclosed in the specification comprises a time in the future.

9. Referring to the Examiner's 35 U.S.C. §103(a) rejection of claim 1, the Examiner will be aware that in *ex parte* examination of patent applications, the Patent and Trademark Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent and Trademark Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re*

Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent and Trademark Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985). A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

10. Newman teaches a virtual room video conferencing system in which a user initiates a connection between his/her computing device and a reflector device. The reflector device is connected by one or more permanent tunnels to other such reflector devices to which other users ("conferences") are connected. Newman is consistent in its disclosure that a user wishing to join a virtual room (conference with one or more other users) always initiates the connection from his/her computing device to a reflector device. Consequently, Newman does not disclose: i) establishing a telephone call between a source and a destination; ii) doing so at a specified future time; or iii) doing so automatically. Nor does Newman disclose using a web-based application to automatically establish the telephone call between the source and the destination at the specified future time nor the step of arranging the web-based application to access a URI comprising the specified future time of the call.

11. The Examiner's reference to figure 6C, paragraph 18 of Newman as comprising "using a web-based telephony application" is confusing since figure 6C of Newman illustrates a screen shot that appears on a user's computing device of a scheduler of a web browser 600 which includes a calendar. The web browser 600 does not comprise a "web-based telephony application" and Newman makes no disclosure nor indeed any suggestion that the web browser can be used to automatically establish a telephony call at a specified future time.
12. Contrary to what the Examiner has stated, Newman does disclose the use of URIs (paragraph 0068) but does so in the context that a URI can be attached to a scheduled conference in the scheduler to provide information to a user about a scheduled conference. There is no disclosure nor any suggestion in Newman that a user can use an attached URI to initiate a telephony call nor to do so automatically at a future specified time. Even if Newman were modified to use URIs as taught by AAPA, it would still require a user to initiate establishing a telephony call using the DN contained in the URI. This does not lead to the advance of the present invention whereby a web-based application accessing a URI can automatically establish a telephony call at a specified future time. It is implicit that in the method as claimed there is no requirement for further user input. In both Newman and AAPA, the user always initiates a conference/call connection.
13. Farris is directed to monitoring the quality of service of a voice call connection through a data network and, where said quality is not satisfactory, automatically routing the call through a voice telephone network. So, even if Newman modified in accordance with AAPA were further modified in accordance with Farris, the resulting arrangement would still not lead to a method of using a web-based application to automatically establish a telephony call at a specified future time. None of Newman, AAPA or Farris addresses the possibility of using a URI comprising a specified future time among other information as a basis for establishing a telephony call at said

future time. Thus, the present invention makes a useful contribution to the art not anticipated nor rendered obvious by the prior art of record.

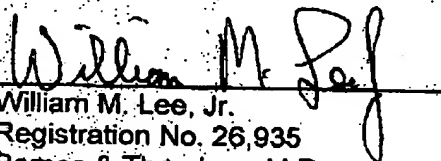
14. The discussion with respect to independent claim 1 as contained in sections 7 to 13 of this paper are equally applicable to other pending independent claims which are also not rendered obvious by the prior art of record.

15. Since all remaining claims are dependent on claims in allowable form, these claims are also in allowable form.

16. In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance.

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Respectfully submitted,



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